
Appeal Decision

Site visit made on 23 September 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2019

Appeal Ref: APP/Q5300/D/19/3231815
295 Bury Street West, Edmonton, N9 9JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Sevin Ali against the decision of the Council of the London Borough of Enfield.
 - The application Ref 19/01088/HOU, dated 8 March 2019, was refused by notice dated 11 June 2019.
 - The development proposed is a vehicular access and hardstanding.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. I consider the description of development given by the Council on its decision letter and by the appellant on appeal form to be more concise than that shown on the planning application form. As such this has been used to describe the development above.

Main Issue

4. The main issue for consideration in this appeal is the effect of the use of the proposed access on the safety of pedestrians, cyclists and drivers using Bury Street West, as well as the effects upon on-street parking.

Reasons for the recommendation

5. The proposal involves the creation of a vehicular crossover and hardstanding to facilitate off-street parking and access to and from Bury Street West, a busy classified road. The access, which would be located on a slight bend in the road, would be 4.8m wide across a section of the existing front boundary treatment, with concrete block paving laid for parking.
6. Policy DMD 46 of the Development Management Document (DMD) generally seeks to resist the formation of crossovers on classified roads. However, it goes on to advise that crossovers and dropped kerbs will only be permitted where,

among other criteria: *c) there is no increase in on street parking pressures in areas already experiencing high on-street parking demand as a result of introducing a vehicle crossover; d) there is no adverse impact on road safety; e) there is no adverse impact on the free flow and safety of traffic on the adjoining highway and in particular on the effective movement of bus services; f) vehicles can enter or exit the crossover in forward gear; and g) It has been shown that there are no alternative opportunities for safe vehicular access to the property (for example to the rear or side).*

7. On-street parking in the area around the appeal site appears largely unrestricted, other than on the corners where Bury Street West meets with Amberley Road. There is no evidence before me to demonstrate there is a significant demand for on-street parking space in the vicinity of the site and from what I saw at my site visit, although that was a snap-shot in time, on-street parking space appears to be readily available. Consequently, I am not persuaded that the formation of the access at this point, and the resultant loss of on-street space, would significantly increase parking pressures locally. However, while the appellant argues the proposal would be of benefit to the local area as it would take one car off the street, it would not create additional parking as such. Furthermore, the manoeuvring of a car from a driveway as opposed to one parked parallel to traffic on the street is inherently different. Nevertheless, I acknowledge the proposal is in accordance with part C of this Policy, as well as DMD45 which also seeks to ensure parking pressures in the locality are not increased as a result of a new access.
8. Part F of DMD46 requires vehicles enter or exit the crossover in forward gear. Based on the submitted plan it would appear the proposed area of hardstanding would provide insufficient space to enable vehicles to manoeuvre on site such that they could leave the property in a forward gear. There is no evidence before me to the contrary. As such, vehicles would need to reverse across the footway onto or off the highway. Therefore, the proposal would fail to accord with criterion f) of Policy DMD 46.
9. As a result of the inadequate provision of manoeuvring space within the site, the formation of a crossover in this location would lead to vehicles slowing, stopping and turning onto/off a busy road in reverse gear. This arrangement, particularly vehicles reversing out of the space, would pose a significant risk to pedestrians and cyclists as well as drivers, despite the presence of street lighting. In addition, vehicles reversing onto the driveway or waiting to make a right hand turn into it would be detrimental to the free flow of traffic along the road. The proposal would therefore be contrary to the requirements of criteria D and E of Policy DMD46.
10. The appellant contends that the actual speed of vehicles travelling along this road is less than the 30mph limit, although there is no evidence before me to that effect. My attention has also been drawn to research presented within Manual for Streets 2 (MfS2), suggesting that there is no direct correlation between highway safety and vehicles turning into and out of driveways. Be that as it may, there is no detailed site specific information before me to enable me to draw such a conclusion in this particular case. While I acknowledge that there have been no recorded accidents in the vicinity of the site, I am unconvinced that the proposal is in the best interests of highway safety for the reasons outlined above.

11. The appellant has drawn my attention to several other vehicular crossovers at residential properties in the vicinity. Indeed, I did note numerous examples during the site visit along the road. However, the Council advises that these access points are historic or unauthorised. Moreover, while I acknowledge that road users may be familiar with the existing vehicular access points, this does not mean proposals which fail to provide adequate turning facilities are good examples of development to follow. Accordingly, they do not justify the appeal proposal.
12. Furthermore, my attention has been drawn to the fact that the property has a rear access located to the north off Lynton Gardens. This appears to comprise a garage at the end of the rear garden. There are no details of this garage or the space it occupies before me, but part G of DMD 46 requires the applicant to demonstrate there are no alternative opportunities for safe vehicular access, including to the rear. I do not have any evidence to show this cannot be achieved to the rear and as such, the proposal is also contrary to part G of this Policy.
13. The National Planning Policy Framework (the Framework) seeks to ensure that safe and suitable access to the site can be achieved for all users, while also stating that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety. In this case, I would find that a safe and suitable access cannot be achieved as it has been presented, and as a result there would be an unacceptable impact upon highway safety having particular regard to the safety of pedestrians, cyclists and other road users. The proposal would therefore be contrary to the Framework as well as Policy DMD46, and to Enfield Plan Core Strategy Policies 24 and 30, as they relate to, amongst other things, highway safety.

Other Matters

14. I acknowledge that there may be private benefits of providing off-street parking, including the ability to charge an electric vehicle in a convenient location. Nonetheless, such benefit does not negate or alter the significant harm arising from the proposed scheme

Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

S Ashworth

INSPECTOR